

REMARKS

Claims 39-45, 47-53, and 55-60 are pending. Claim 47 and 55 are amended, and claims 59-60 are added. On September 4, 2008, Applicants' representative held an interview with Examiner Yogesh Garg the relevant portions of which are summarized herein in accordance with MPEP §713.04. The claims and history of the case were discussed. During the interview, Examiner also brought US Patent 6,192,382 to Lafer ("Lafer") to the attention of Applicants' representative. The claims and the other independent claims have been amended accordingly in to be patentable over Lafer and the references of record.

35 U.S.C. 112

In the last office action, claims 47-53 and 55-58 were rejected under 35 U.S.C. 112, second paragraph. Claim 47 has been amended in the manner suggested in the latest office action. Because this amendment only modifies the form of the preamble, it does not raise new issues for examination.

35 U.S.C. 103

In the last office action, claims 39-45, 47-53, and 55-58 were rejected under 35 U.S.C. 103(a) as unpatentable over Pallakoff (U.S. Patent No. 6,269,343) in view of Allsop (U.S. Patent No. 5,970,372), in combination with Ross (U.S. Patent No. 6,629,135).¹ For the reasons described below, Applicants respectfully traverse these rejections.

Independent claims 39 and 47 each recite (1) "a tag associated with [a] referring website," (2) "a request for information comprising [the] tag," and (3) "responsive to [] the tag, using a filter to select for a referring website an on-line group buying sale." This

¹ The office action fails to include Allsop in its summary 35 U.S.C. 103 rejection on page 4, but refers to this reference on page 6.

selection can be performed efficiently, in real-time, based on information communicated by the tag as part of the request. This is beneficial in an embodiment, for example, where the tag may reflect potential buyers' purchase and shopping preferences, and thus the selected on-line group buying sale is more likely to be successful.

None of the references, alone or in combination, suggests or discloses the claimed elements. Allsop, cited for these elements, describes an "HTML tag [that] includes an identification of the dealer. In response to this tag, the browser automatically causes a validation request to be transmitted over the Internet to the server." (Allsop, 5:35-40) However, in contrast to the claimed invention, Allsop's tag is neither associated with a referring website, nor included in a request for information, nor used to select a sale, as claimed. Ross, cited by Examiner for other reasons, neither discloses or suggests "tag" or "tags." Likewise, while the cited portion of Pallakoff describes displaying offers on one or more websites (Pallakoff, 9:32-41, 9:50-55), it fails to describe the selection of offers for particular websites, much less that any selection is performed responsive to a tag. Adding Allsop's dealer tag to Pallakoff at best yields displaying offers on one or more websites, which include an HTML tag that identifies a dealer, and thereby triggers a validation request to validate the dealer. But that combination fails to disclose or suggest "responsive to [] the tag, selecting for a referring website an on-line group buying sale" as claimed.

The addition of Lafer does not change this outcome. Lafer describes the replacement of tags in an HTML page with HTML fragments. (Abstract) Because the fragments have been previously created and associated with the tags based on user preference information (see, e.g., Abstract and 4:9), there is no need to "[use] a filter to select...an on-line group buying sale" as claimed. Neither the word "filter" nor the functionality of the claimed filter are suggested or disclosed by Lafer.

Applicants have added new claims 59 and 60 to the present application. Each of these claims recites, “exclusivity preferences...[responsive to which] a filter [] select[s] for the referring website an on-line group buying sale,” support for which can be found, for example, at page 28 of the specification. In the parent case to the present application, now US Patent 6,934,690, a related element was cited as a reason for allowance (Notice of Allowance, p.14). For this additional reason, Applicants believe, these claims are patentable over the prior art.

For at least these reasons, independent claims 39 and 47, and the remaining claims that depend from them, are patentable over the references. On the basis of the above, the early allowance of all claims is hereby requested. If Examiner believes that direct contact with the Applicants’ attorney will advance the prosecution of this case, Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
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